



# CITY OF MARIETTA

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### PLANNING COMMISSION

*Bob Kinney, Ward 6, Chairman*  
*Jason Waters, Ward 2*  
*Vacant, Ward 1*  
*Sam Storey, Ward 3*  
*John Schupp, Ward 4*  
*Kenneth Carter, Ward 5*  
*Stephen Diffley, Ward 7, Vice Chairman*

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**Tuesday, February 5, 2013**

**6:00 p.m.**

**City Hall Council Chambers**

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Present: Bob Kinney, Jason Waters, Sam Storey, John Schupp, Kenneth Carter,  
Stephen Diffley

Staff: Brian Binzer, Development Services Director  
Rusty Roth, Planning & Zoning Manager  
Shelby Little, Urban Planner  
Patsy Bryan, Zoning Coordinator  
Daniel White, City Attorney

### CALL TO ORDER & ROLL CALL

Chairman Kinney called the February 5, 2013 Planning Commission meeting to order  
at 6:00 p.m.

### MINUTES:

#### **20130122 Januray 2, 2013 Regular Planning Commission Meeting Minutes**

File #20130122 – Review and approval of the January 2, 2013 Regular Planning  
Commission Meeting Minutes.

Mr. Diffley made a motion to approve the revised minutes, seconded by Mr. Schupp.

Vote: 6-0-0

#### **20121184 Z2013-03 Jonathan C. Pascoe 238 Crescent Circle**

**Z2013-03 [REZONING] JONATHAN C. PASCOE** requests rezoning for property  
located in Land Lot 12310, District 16, Parcel 0290, 2nd Section, Marietta, Cobb

County, Georgia and being known as 238 Crescent Circle from OI (Office Institutional) to R-4 (Single Family Residential - 4 units/acre). Ward 3.

File # 20121184 was presented by Mr. Roth for the property located in Land Lot 12310, District 16, Parcel 0290, 2nd Section, Marietta, Cobb County, Georgia and being known as 238 Crescent Circle.

A public hearing was held.

Jonathan Pascoe presented the request to rezone 238 Crescent Circle from OI to R4. Mr. Pascoe stated that he has been trying to sell the property, and the only interest generated has been to use the house as a residence, not as an office.

Chairman Kinney asked if Mr. Pascoe would object if the Planning Commission recommended to rezone the parcel to OI with an additional use of a single family residence. Mr. Pascoe responded that as long as he could get a letter stating that the house could be used as a residence under the OI zoning, he would not object.

Mr. Storey made a motion, seconded by Mr. Diffley, to recommend to City Council that the property at 238 Crescent Circle remain zoned OI with an additional use as a single family residence, and to grant any and all variances under this zoning category.

Vote: 5-1-0 (Jason Waters opposed)

**20121333      Z2013-08 MESQUITE CREEK DEVELOPMENT, INC. (RACETRAC PETROLEUM, INC.) 2400 & 2466 DELK ROAD**

**Z2013-08 [REZONING] MESQUITE CREEK DEVELOPMENT, INC. (RACETRAC PETROLEUM, INC.)** requests rezoning for property located in Land Lot 07990, District 17, Parcels 0380 & 0050, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 2400 & 2466 Delk Road from OI (Office Institutional) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 1.

File # 20121333 was presented by Mr. Roth for the property located in Land Lot 07990, District 17, Parcels 0380 & 0050, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 2400 & 2466 Delk Road.

A public hearing was held.

Parks Huff of Sams, Larkin & Huff, representing Mesquite Creek Development and RaceTrac, presented the application to rezone the properties from OI and CRC to CRC. Mr. Huff stated that the existing RaceTrac convenience store would be demolished and a new model of the convenience store would be built. Additional property had been acquired from the adjacent hotel property, which was zoned OI. In order to develop the property for the new RaceTrac, the newly acquired property had

to be rezoned to CRC. Mr. Huff acknowledged that there was floodplain on the property, which would have to be dealt with, but that RaceTrac was prepared to deal with that issue. Mr. Huff also identified three variances that were being requested for the new RaceTrac store. The requested variances are:

1. Variance to allow the clustering of street trees in lieu of evenly spacing trees every thirty feet. (Section 712.08.G.2.a)
2. Variance to allow the required street trees to be placed within the front setback, instead of in a ten foot landscape strip. (Section 712.08.G.2.a)
3. Variance to increase the allowable canopy signage on each side from 10 sf. to 51 sf. (Section 714.05.C.)

Mr. Huff stated that the variances were necessary for the new store location to be visible from the I-75 interchange.

Mr. Schupp asked a question about signage. Discussion was held regarding the canopy signs and the possibility of eliminating the signs on the gas pumps.

Mr. Waters made a motion to approve, seconded by Mr. Storey to approve the requested rezoning as submitted, including the following variances:

1. Variance to allow the clustering of street trees in lieu of evenly spacing trees every thirty feet. (Section 712.08.G.2.a)
2. Variance to allow the required street trees to be placed within the front setback, instead of in a ten foot landscape strip. (Section 712.08.G.2.a)
3. Variance to increase the allowable canopy signage on each side from 10 sf. to 51 sf. (Section 714.05.C.)

Vote: 6-0-0

## **20121326      Z2012-04 City of Marietta – Canton Road Commercial Island Annexation**

### **Z2013-04 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA**

requests rezoning from O&I/NS (Office and Institutional/Neighborhood Shopping - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 08740, District 16, Parcel 0260 (532 Dickson Rd); from GC (General Commercial - County) to LI (Light Industrial - City) for property located in Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), and 0040 (1436 Canton Dr); from GC (General Commercial - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), and 0500 (1441 Canton Rd); from GC (General Commercial - County) to HI (Heavy Industrial - City) for property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr); from LI (Light Industrial - County) to LI (Light Industrial - City) for property located in Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr) and Land Lot 08740, District 16, Parcels 0350 (525 Dickson Rd), 0130 (515 Dickson Rd), 0120 (515 Dickson Rd) and 0110 (521 Dickson Rd); from HI (Heavy Industrial - County) to LI

(Light Industrial - City) for property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08750, District 16, Parcels 0060 (705 Sawyer Rd), 0590 (1421 Simms Dr), 0660 (725 Sawyer Rd), 0050 (1451 Canton Rd), 0630 (1401 Simms Dr), 0670 (731 Sawyer Rd), 0640 (a parcel on Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd); from HI (Heavy Industrial - County) to HI (Heavy Industrial - City) for property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr) and Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr). Wards 5 & 6.

File # 20121326 was presented by Mr. Roth for the above described property.

A public hearing was held.

Kevin Amos spoke in opposition of the annexation, stating that he would like to stay in Cobb County and had been pleased with their services. He stated that if he were annexed into the City, he would like for his property to remain zoned HI, instead of LI, for which it was advertised.

Melanie Kish also spoke in opposition and requested to remain in Cobb County. Ms. Kish also had questions about the current and proposed zoning classification of her property.

Mr. Diffley made a motion, seconded by Mr. Storey that the rezonings be approved with the noted changes:

All proposed properties would be rezoned as advertised with the exception that the following properties will remain HI, as they are zoned HI in County:

705 Sawyer Road  
725 Sawyer Road  
1451 Canton Road  
731 Sawyer Road  
3 parcels on Sawyer Road with the following tax id numbers

16087500640; 16087500680; and 16087500710

Vote: 6-0-0

**20121325      A2013-01 City of Marietta – Canton Road Commercial Island Annexation**

**A2013-01 CITY OF MARIETTA** requests annexation for property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), 0110 (521 Dickson Rd), 0120 (515 Dickson Rd), 0130 (515 Dickson Rd), 0260 (532 Dickson Rd), 0350 (525 Dickson Rd), and 0500 (1441

Canton Rd); Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), 0040 (1436 Canton Dr), 0050 (1451 Canton Rd), 0060 (705 Sawyer Rd), 0120 (1398 Owenby Dr), 0590 (1421 Simms Dr), 0630 (1401 Simms Dr), 0640 (a parcel on Sawyer Rd), 0660 (725 Sawyer Rd), 0670 (731 Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd); Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr) and all associated right-of-way for each address, all of the 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia consisting of 33.14 acres. Wards 5 & 6.

File # 20121325 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Diffley made a motion to approve the annexations, seconded by Mr. Storey.

Vote: 6-0-0

**20130002      CA2013-01 Code Amendment – Canton Road Commercial Island Annexation**

**CA2013-01 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA** in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 08040, District 16, Parcel 0170 (1654 W Oak Dr); Land Lot 08530, District 16, Parcel 0020 (1556 W Oak Dr); Land Lot 08540, District 16, Parcel 0410 (a parcel on W Oak Dr); Land Lot 08740, District 16, Parcels 0010 (1447 Canton Rd), 0030 (1479 Owenby Dr), 0110 (521 Dickson Rd), 0120 (515 Dickson Rd), 0130 (515 Dickson Rd), 0260 (532 Dickson Rd), 0350 (525 Dickson Rd), and 0500 (1441 Canton Rd); Land Lot 08750, District 16, Parcels 0020 (751 Sawyer Rd), 0030 (748 Sawyer Rd), 0040 (1436 Canton Dr), 0050 (1451 Canton Rd), 0060 (705 Sawyer Rd), 0590 (1421 Simms Dr), 0630 (1401 Simms Dr), 0640 (a parcel on Sawyer Rd), 0660 (725 Sawyer Rd), 0670 (731 Sawyer Rd), 0680 (a parcel on Sawyer Rd), and 0710 (a parcel on Sawyer Rd) to IW (Industrial Warehousing). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 08750, District 16, Parcel 0120 (1398 Owenby Dr) and Land Lot 09260, District 16, Parcel 0360 (1343 Owenby Dr) to IM (Industrial Manufacturing). Wards 5 & 6.

File # 20130002 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Diffley made a motion, seconded by Mr. Storey that the future land use designations be approved, except that the following properties shall be designated as IM(Industrial Manufacturing):

All proposed properties would come in as advertised with the exception of the following:

705 Sawyer Road  
725 Sawyer Road  
1451 Canton Road  
731 Sawyer Road  
3 parcels on Sawyer Road with the following tax id numbers

16087500640; 16087500680; and 16087500710

Vote: 6-0-0

**20121328      Z2013-05 City of Marietta – Cobb Parkway South Annexation**

**Z2013-05 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA** requests rezoning from GC (General Commercial - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), 0170 (1035 Wylie Rd) and Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1264 S Cobb Pkwy), and 0140 (a parcel on S Cobb Pkwy); from R-20 (20,000 sq. ft. - County) to CRC (Community Retail Commercial - City) for property located in Land Lot 06420, District 17, Parcels 0090 (1265 S Cobb Pkwy) and 0150 (1265 S Cobb Pkwy). Ward 7.

File # 20121328 was presented by Mr. Roth for the above described property.

A public hearing was held.

David Haddle with Hubert Realty Company spoke, saying that he was not in opposition, but had a question about one parcel. The parcel was partially occupied by one of his tenants – an automobile sales business with a body shop – and wanted to make sure that the proposed CRC zoning would allow those uses. Mr. Roth confirmed that those uses would be allowed in CRC zoning.

Randal Pruitt spoke in opposition of the annexation, stating that he had been at his location for 40 years and would like to stay in Cobb County. He had concerns about changing services from the County to the City, as well as a concern about being able to continue his truck sales business.

Jane Eisele also spoke in opposition and requested to remain in Cobb County. Ms. Eisele also had questions about the current and proposed zoning classification of her property. Her current tenant is a car rental business, but she wanted to make sure that a restaurant would be allowed under the proposed CRC zoning.

Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Vote: 6-0-0

**20121327      A2013-02 City of Marietta – Cobb Parkway South Annexation**

**A2013-02 CITY OF MARIETTA** requests annexation for property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), and 0170 (1035 Wylie Rd ); Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1265 S Cobb Pkwy), 0090 (1265 S Cobb Pkwy), 0150 (1265 S Cobb Pkwy), 0140 (a parcel on S Cobb Pkwy) and all associated right-of-way for each address, all of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia consisting of 7.08 acres. Ward 7.

File # 20121327 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Vote: 6-0-0

**20130003      CA2013-02 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA** in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 05810, District 17, Parcels 0060 (991 S. Cobb Pkwy), 0040 (1049 S Cobb Pkwy), 0130 (1011 S Cobb Pkwy), and 0170 (1035 Wylie Rd ); Land Lot 06420, District 17, Parcels 0040 (1264 Franklin Rd), 0070 (1291 S Cobb Pkwy), 0080 (1265 S Cobb Pkwy), 0100 (1265 S Cobb Pkwy), 0090 (1265 S Cobb Pkwy), 0150 (1265 S Cobb Pkwy), 0140 (a parcel on S Cobb Pkwy) to CAC (Community Activity Center). Ward 7.

File # 20130003 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Schupp made a motion to approve, as submitted, seconded by Mr. Waters.

Vote: 6-0-0

**20121330      Z2013-06 City of Marietta – Powder Springs St Annexation**

**Z2013-06 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA** requests rezoning from O&I (Office and Institutional - County) to OI (Office Institutional - City) for property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs St). Ward 3.

File # 20121330 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Storey made a motion to approve, as submitted, seconded by Mr. Diffley.

Vote: 6-0-0

**20121329      A2013-03 City of Marietta – Powder Springs St Annexation**

**A2013-03 CITY OF MARIETTA** requests annexation for property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs St), 2<sup>nd</sup> Section, Cobb County, Georgia consisting of a total of 1.995 acres. Ward 3.

File # 20121329 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Storey made a motion to approve, as submitted, seconded by Mr. Diffley.

Vote: 6-0-0

**20130004      CA2013-03 Code Amendment - Powder Springs St Annexation**

**CA2013-03 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA** in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 01480, District 17, Parcel 0050 (a parcel on Powder Springs Street) to CAC (Community Activity Center). Ward 3.

File # 20130004 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Storey made a motion to approve, as submitted, seconded by Mr. Diffley.

Vote: 6-0-0

**20121332      Z2013-07      City of Marietta – Residential Annexation**

**Z2013-07 [REZONING - ISLAND ANNEXATION] CITY OF MARIETTA** requests rezoning from R-20 (20,000 sq. ft - County) to R-2 (Single Family Residential - 2 units/acre - City) for property located in Land Lot 08540, District 16, Parcels 0390 (1516 W Oak Dr), 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0400 (1506 Sawyer Rd); Land Lot 08740, District 16, Parcel 0370 (529 Dickson Rd); Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd); and Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr). Ward 6.

File # 20121330 was presented by Mr. Roth for the above described property.



A public hearing was held.

Mr. Waters made a motion to approve, as submitted, seconded by Mr. Carter.

Vote: 6-0-0

**20121331      A2013-04 City of Marietta – Residential Annexations**

**A2013-04 CITY OF MARIETTA** requests annexation for property located in Land Lot 08540, District 16, Parcels 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0390 (1516 W Oak Dr), and 0400 (1506 Sawyer Rd); Land Lot 08740, District 16, Parcel 0370 (529 Dickson Rd); Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd); Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr) and all associated right-of-way for each address, all of the 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia consisting of 7.7 acres. Ward 6.

File # 20121331 was presented by Mr. Roth for the above described property.

A public hearing was held.

Mr. Waters made a motion to approve, as submitted, seconded by Mr. Diffley.

Vote: 6-0-0

**20130005      CA2013-04 Code Amendment – Residential Annexation**

**CA2013-04 [CODE AMENDMENT - ISLAND ANNEXATION] CITY OF MARIETTA** in conjunction with the requested annexation proposes to designate the Future Land Use of property located in Land Lot 08540, District 16, Parcels 0360 (1546 W Oak Dr), 0370 (1536 W Oak Dr), 0380 (1526 W Oak Dr), 0390 (1516 W Oak Dr), and 0400 (1506 Sawyer Rd); Land Lot 0874, District 16, Parcel 0370 (529 Dickson Rd) to IW (Industrial Warehousing). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 09230, District 16, Parcels 0080 (1244 Allgood Rd), 0190 (1284 Allgood Rd), 0210 (1271 Lincoya Dr) to MDR (Medium Density Residential). The City of Marietta proposes to designate the Future Land Use of property located in Land Lot 08790, District 16, Parcel 0040 (1380 Allgood Rd) to LDR (Low Density Residential). Ward 6.

File # 20130005 was presented by Mr. Roth for the above described property.

A public hearing was held. Mr. Binzer clarified that for school purposes only, the effective date of the annexation will be June 1, 2013.

Mr. Waters made a motion to approve, as submitted, seconded by Mr. Diffley, with the stipulation that for school purposes, the effective date of the annexation will be June 1, 2013.

Vote: 6-0-0

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ROBERT W. KINNEY, CHAIRMAN

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PATSY BRYAN, SECRETARY